

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

CHERYL A. PETROCI,

Plaintiff,

v.

ORDER
12-CV-729A

TRANSWORLD SYSTEMS, INC.,

Defendant.

The above-referenced case was referred to Magistrate Judge Jeremiah J. McCarthy, pursuant to 28 U.S.C. § 636(b)(1)(B). On October 19, 2012, Magistrate Judge McCarthy filed a Report and Recommendation, recommending that the plaintiff's Amended Motion [12] seeking to strike the third, fourth and fifth affirmative defenses asserted by defendant Transworld Systems, Inc. be granted in part and denied in part.

The Court has carefully reviewed the Report and Recommendation, the record in this case, and the pleadings and materials submitted by the parties, and no objections having been timely filed, it is hereby

ORDERED, that pursuant to 28 U.S.C. § 636(b)(1), and for the reasons set forth in Magistrate Judge McCarthy's Report and Recommendation, plaintiff's Amended Motion is granted in part and denied in part.

The case is referred back to Magistrate Judge McCarthy for further proceedings.

SO ORDERED.

s/ Richard J. Arcara

HONORABLE RICHARD J. ARCARA
UNITED STATES DISTRICT JUDGE

DATED: November 8, 2012